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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff,

vs.

KENT H. ROBERTS,

Defendant.

) Case No. C-07-4580 MHP
)
) **MOTION FOR ADMINISTRATIVE RELIEF**
)
) **(1) TO SUBMIT REPLY BRIEFS WITH**
) **RESPECT TO, AND**
) **(2) TO CONTINUE THE FEBRUARY 25,**
) **2008 HEARING ON**
)
) **DEFENDANT KENT H. ROBERTS'**
) **REQUEST FOR PRODUCTION OF**
) **DOCUMENTS FROM THIRD PARTY**
) **HOWREY LLP**
)
) Hearing Date:
) Time:
) Courtroom: 15
) Judge: Hon. Marilyn H. Patel
)

Pursuant to Civil Local Rules 7-7 and 7-11, Non-Party Howrey LLP ("Howrey") respectfully moves this Court for an Order (1) allowing Howrey and Defendant Kent H. Roberts to simultaneously file short, five-page memoranda replying to the simultaneous submissions each made to this Court on February 15, 2008 with regard to Defendant Roberts' Motion to Compel Production of Documents

1 from Third Party Howrey LLP; and, (2) continuing the February 25, 2008, 2:00 p.m. hearing on the
2 motion for one week, until March 3, 2008 at 2:00 p.m.

3 On February 15, 2008, Defendant Roberts and Howrey simultaneously submitted their
4 memoranda supporting and opposing production of attorney-client privileged and attorney work
5 product materials by Howrey. The Court indicated during the telephone conference with the parties on
6 January 30, 2008 that it would entertain a request by Howrey to file a short reply after reviewing
7 Defendant Roberts' motion papers, if Howrey believed such a reply would be useful to the Court.
8 Howrey believes that a reply brief would help to facilitate the Court's understanding of both the
9 necessary facts and the law relevant to this matter and thereby assist the Court in resolving Defendant
10 Roberts' motion.

11 Counsel for Defendant Roberts has authorized the undersigned to represent to this Court that
12 Defendant Roberts does not object to this request, provided he is given the reciprocal opportunity to
13 submit a short, five-page memorandum replying to the issues raised in the opposition filed by Howrey
14 on February 15, 2008. Howrey and Defendant Roberts have agreed to a simultaneous filing of the
15 reply briefs by 5:00 p.m. on Tuesday, February 26, 2008, subject to the approval of the Court.

16 In addition, Howrey respectfully requests that the Court continue the hearing on Defendant
17 Roberts' motion to Monday, March 3, 2008, at 2:00 p.m., or at a mutually convenient time for the
18 Court, to facilitate the filing of reply briefs. Counsel for Defendant Roberts has authorized the
19 undersigned to represent to this Court that Defendant Roberts does not object to such a continuance.
20 There have been no prior stipulations to continue the hearing on this motion, and Howrey is unaware
21 of any adverse impact on the scheduling for this litigation. Rescheduling the hearing to March 3 would
22 benefit all those involved, allowing Plaintiff SEC (which also has made an ex parte motion to extend
23 the hearing date) to attend the hearing, and providing Defendant Roberts, the SEC, non-party Howrey
24 and this Court the opportunity to meaningfully evaluate the merits of the discovery dispute on a full
25 recitation of the relevant facts and law.

1 Dated: February 21, 2008

Respectfully submitted,

2 HOWREY LLP

3
4 By: /s/ Helen Chae MacLeod

5 Robert E. Gooding, Jr.

6 Roman E. Darmer

Helen Chae MacLeod

7 Attorneys for HOWREY LLP